



**South Mountain Corridor Study
Citizens Advisory Team
Meeting Summary**

Date: August 28, 2008
Time: 6 p.m.
Location: South Mountain Community College

SMCAT Members Attending:

Sandy Bahr, Sierra Club
Chad Blostone, The Foothills HOA
Chris Boettcher, Lakewood HOA
Lisa Bray, South Mountain/Laveen Chamber of Commerce
Al Brown, Arizona Public Health Association
Clayton Danzeisen, Maricopa County Farm Bureau
Peggy Eastburn, Estrella Village Planning Committee
Michael Goodman, Phoenix Mountains Preservation Council
Wes Lines, Laveen Village Planning Committee
Nathaniel Percharo, Pecos Road/I-10 Landowners Association
Laurie Prendergast, Laveen Citizens for Responsible Development
Jack Sellers, East Valley Partnership
Brian Smith, Calabrea HOA
Timothy Stone, Bougainvillea HOA
Carola Tamarkin, Ahwatukee Foothills Chamber of Commerce
Terry Tatterfield, Kyrene Elementary School District
Woody Thomas, Southwest Valley Chamber of Commerce
Jim Wesley, Foothills Reserve HOA

SMCAT Members Absent:

Ahwatukee Village Planning Committee, Laurel Arndt
Arizona Trucking Association, Dave Williams
Arlington HOA, Camilo Acosta
City of Avondale, Carnell Thurman
City of Tolleson
Gila River Indian Community–District 4
Mountain Park Ranch HOA, Diane Krecker
Silverado Ranch
South Mountain Village Planning Committee, Tamala Daniels
Valley Forward, Steve Barclay

Staff and Consultants

Brock Barnhart, ADOT
 Michael Bruder, ADOT
 Matt Burdick, ADOT
 Ruth Greenspan, ADOT
 Mark Hollowell, ADOT
 Larry Langer, ADOT
 Velvet Mathew, ADOT
 Bill Vachon, FHWA
 Arianna Valle, FHWA
 Michael Book, HDR

Mark Brodbeck, HDR
 Amy Edwards, HDR
 Audrey Unger, HDR
 Ben Spargo, HDR
 Fred Erickson, KCA
 Tom Keller, KCA
 C. Murphy Hebert, PDG
 Dean Howard, PDG
 Andy Jacobs, PDG

Citizens:

Todd Bostwick
 Greg Farr
 Julie Farr
 Kerry Fehr-Snyder
 Earl Halliburton
 M. Hinz
 Jim Jochim

Steve Johnson
 Fred Lopez
 Doug Mings
 Eve Morse
 Doug Murphy
 Al Southergill
 Irene Wesley

Meeting Agenda	Speaker
Welcome and introductions	Tom Keller, KCA
SMCAT role and responsibilities	Tom Keller, KCA
Upcoming SMCAT meeting topics	Tom Keller, KCA
SMCAT questions and comments	All
SMCAT membership discussion	All
Cultural resources	Ruth Greenspan, ADOT Mark Brodbeck, HDR
Section 4(f)	Mark Hollowell, ADOT Audrey Unger, HDR
Preliminary discussion of air quality panel	All
Visitor comment session	Public Tom Keller, KCA

Meeting began at 6:04 p.m.

Tom Keller: Good evening everyone. Can we begin please? If you take your seats, we can get started. Thank you.

Welcome to the August 28 South Mountain Citizens Advisory Team meeting. We have a quorum so this is an official meeting.

I would like to welcome the members of community, press and ADOT team members.

We have a full program tonight so let's get started. The role of the SMCAT is to make a recommendation whether to build this proposed freeway. It is the sole responsibility of the team. We have scheduled presentations of the various topics so that the team has all the information necessary before making their recommendation.

There is a process in place for the public to receive answers to their questions. Murphy Hebert and Andy Jacobs are seated at the back of the room. They have blue question and answer cards that the public can use to submit their questions. If anyone here tonight has questions about this study, you have two options. You can write your question on the card and read the question yourself or you can write your question on the card and submit it for me to read. If you want me to read your question, please print it clearly on the card.

I would like to remind the SMCAT that the session feedback forms will be handed out at the break. Please complete your form and return it to the study team before you leave tonight.

We follow a code of conduct that says that the SMCAT, as well as the members of the public, are expected to treat each other with mutual courtesy, respect and dignity. Please make sure that you allow time for your question to be answered with an appropriate level of discussion throughout before asking follow-up questions. As you know, the SMCAT agreed to abide by these rules over a year and a half ago.

We seem to be having a continual problem with the light bulb for our presentation projector. It may be easier for you to follow along on your handout of the presentation that is located in your monthly packet of materials. As we proceed through the presentation, feel free to ask questions accordingly.

Does anyone have any questions since the last time we met? Or is there anything you wanted to discuss from recent articles in the press?

SMCAT Member: I have a question. Last week, I asked a question about economic impacts. I don't see that it has been answered.

Tom Keller: That is a good question. There is a document that we use to collect those questions from the SMCAT and the public that are unable to be fully addressed at the time of the meeting. We call this document the Parking Lot Issues Memorandum. Since the last meeting was only two weeks ago, we haven't had the time to answer any questions that came up in this document. Your questions at the last meeting will be included in the next Parking Lot Issues Memorandum.

SMCAT Member: Okay.

Tom Keller: In the August 12 meeting, the SMCAT voted that we have a discussion concerning the issue of SMCAT attendance. The operating agreement states that if an individual representing an organization cannot attend 65 percent of these meetings then the organization should find a replacement. Slide four in your packets shows the current roster and the associated attendance percentage. What is the pleasure of the team in regards to addressing this issue?

SMCAT Member: When you send your monthly e-mails to the team, do you get any response from the individuals who are not attending these meetings?

Tom Keller: Every month we send out two or three e-mails asking for acknowledgement that each person will be attending the SMCAT meeting. If we have not heard from anyone, we follow up with a phone call. Despite the lack of some people attending, we have had a quorum at every meeting.

Fred Erickson: There are a few organizations that do not have any representation at this time. For one reason or another, the representatives dropped out. The organizations that currently do not have representation are: Silverado Ranch, City of Tolleson and the Arizona Trucking Association.

Tom Keller: Yes, those organizations currently don't have a replacement member. You can see on slide four the current attendance percentage for these organizations as well as the attendance percentage for the other members. According to the operating agreement, you can request that we contact all the organizations whose representatives have attended less than 65 percent of these meetings.

Fred Erickson: Let me read from the operating agreement. SMCAT members are expected to attend the scheduled meetings and arrange for substitutes when absent. SMCAT members who can not attend at least 65 percent of the SMCAT meetings may be asked to identify a permanent replacement from their organization.

SMCAT Member: I would like to make a motion that you contact all the organizations that have representatives who attend less than 65 percent of these meetings to see if they may have another representative who would attend more frequently.

SMCAT Member: I second that motion.

SMCAT Member: Wait, what was the motion?

Tom Keller: The motion was that I contact those organizations that have representatives who are not attending 65 percent or more of these meetings so that they could perhaps send another representative who would attend. Did I state that correctly?

Affirmative response

Tom Keller: All in favor of this motion? Please hold up your hands so we can get the count.

Majority of hands were raised

Tom Keller: There are 15 in support and no one who is opposed. The motion passes.

At this point we will move forward with the topics. We will plan for a break somewhere around an hour from now. Are we all set?

No response

Tom Keller: Thank you. Ben Spargo with HDR will continue the presentation.

Ben Spargo: On slide nine, you can see the upcoming meeting topics. Tonight, we will be discussing cultural resources, Section 4(f) and the meeting format and panelists for the air quality panel. At the September meeting, we will be discussing the public comment summary, cumulative and secondary impacts and the costs associated with this proposed freeway. October 23 is the final scheduled meeting where we will be discussing social conditions, continuing our discussion about the air quality panel and talking about the SMCAT recommendation format.

As with the other topics that we have discussed, the study team works with a number of agencies concerning the issues of cultural resources and Section 4(f). These are such agencies as the Advisory Council on Historic Preservation. It is an important part of this study that we coordinate with these agencies and get their feedback.

The presentation tonight will follow our usual outline as shown on slide thirteen.

Tonight's first topic is cultural resources. Presenting will be Ruth Greenspan from ADOT's Environmental Planning Group and Mark Brodbeck from HDR.

Ruth Greenspan: Thanks Ben. To begin, I would like to define the terms and acronyms that I will be using tonight. What is the difference between prehistoric and historic? Prehistoric relates to the period of the past prior to written records. Historic would be the period of time from the beginning of written records. In Arizona, the earliest historical records are from the 1500s when Spanish explorers entered the area. The records become more prevalent in the 1600s with the establishment of Spanish missions in the area.

The National Preservation Act is referred to as Section 106. Section 106 requires federal agencies to take into account the effects of their projects on historic properties. I will discuss this in more detail a little later.

The National Register of Historic Places maintains the official list of historic properties and is administered by the National Parks Service.

Artifact scatter is an archaeological site that is manifested on the surface by a scatter of artifacts that lack the surface features that might help to define the type of site that has been encountered.

So, what are cultural resources? Cultural resources include prehistoric and historic sites, structures, places, landscapes and objects representing past human activity and cultural affiliation. Some examples that have been identified in the area include prehistoric and historic houses and farms, railroads, prehistoric and historic irrigation canals.

Traditional cultural properties or TCPs are places that a living community uses for traditional cultural practices rooted in that community's history. The South Mountains are considered a TCP. The Gila River Indian Community has passed a resolution declaring South Mountains a TCP, and the Salt River Pima-Maricopa Indian Community has passed a resolution in support of that resolution, and the Community's efforts to preserve the cultural and traditional significance of the South Mountain Range. The Colorado River Indian Tribes have also indicated that they consider the South Mountains to be a TCP.

Cultural resources are tangible, irreplaceable links to our past. They can provide direct links to our history, to our cultural practices, and to our sense of identity. Through scientific reconstruction of this history, we can better understand our past.

This process is also required by law. The South Mountain Freeway is a federal undertaking requiring regulatory compliance with Section 106. So this study requires that federal agencies take into account the effects of activities related to the proposed freeway on cultural resources that are eligible for inclusion in the National Register of Historic Places.

Not all cultural resources are eligible for inclusion in the NRHP. To be eligible for inclusion in the NRHP, properties must meet one of the following criteria. To be eligible under Criterion A, a property must be associated with events that have made a significant contribution to history. Criterion B properties are associated with lives of persons significant in history. Criterion C properties embody the distinctive characteristics of a type, period or method of construction from the past. Criterion D properties must have provided, or be likely to provide, information important to prehistory or history.

Typically, in order for a property to be eligible, it must be at least 50 years old, although younger properties may be considered for listing if they are of exceptional importance, such as with the World Trade Center area in New York, which achieved national significance after 9/11.

Additionally, to be considered eligible for the NRHP a property must retain integrity. There are seven aspects of integrity that are evaluated to address a property's eligibility: location, design, setting, materials, workmanship, feeling and association. It is not necessary for a property to retain integrity in all seven categories in order to be eligible, but it must retain sufficient integrity to convey its historical significance.

For example, although it is rare for relocated buildings to retain integrity, under some circumstances it might be possible for a building that is eligible under Criterion C because it is a particularly good example of a significant architectural style, to still be eligible even if it were physically moved from its original location. On the other hand, if a building is eligible under Criterion A because of its association with a particular battle of the Civil War, moving it to another location would probably cause a loss of integrity that would prevent it from retaining its significance.

At this point, I will turn the presentation over to Mark Brodbeck.

Tom Keller: While Mark is getting ready, I forgot to mention that we have Chris Boettcher sitting in on behalf of John Rodriguez with the Lakewood Homeowners Association tonight. Welcome.

Mark Brodbeck: My name is Mark Brodbeck and I am with HDR. My role on this study is identifying the area's cultural resources and assessing the impacts of these resources with this potential project.

As you know, this study has been going on for several years. The first cultural resources survey of the current study was performed in 2003. Of the initial alternatives that were proposed back then, many of the alignments were shifted to avoid area cultural resources. Because of the amount of cultural sites in the Study Area, not everything could be avoided. In the W55 Alternative, there are six sites that would be affected. There are several large prehistoric Hohokam sites, such as artifact scatters and agricultural fields. There is really a wide diversity of cultural resources here. All six sites were eligible under Criteria D so mitigation would be required. In the E1 Alignment, there are eight sites that would be affected. There is more of a diversity of prehistoric-type sites, such as lithic quarries which were resource areas where stone was obtained. One of the sites had petroglyphs, which are rare in this area since many have been obliterated by development. There are four prehistoric trail sites. These look like the trails that people use today, but the way we know they are prehistoric is that they have artifacts along the length of the trail.

As I mentioned earlier, some of the originally proposed alignments were shifted to avoid the area's cultural resources. However, there were three of these that would be unable to be avoided. They are the Phoenix South Mountain Park/Preserve, the Roosevelt Canal and the historic Southern Pacific Railroad. In the case of the park, it has been identified as eligible for the National Register of Historic Places under all four criteria (A-D).

SMCAT Member: On slide 21, there is a column labeled, “mitigation required” and it shows that none would be required for the Phoenix South Mountain Park/Preserve, the Roosevelt Canal and the historic Southern Pacific Railroad. What does this mean? Does this mean you would be doing nothing to preserve these cultural resources?

Mark Brodbeck: The labeling of that column may be the incorrect term. The canal and railroad would be left in place while only a portion of the area of the park would be used. The area of the park that is used would require some mitigation. The process for mitigating the park, including the mountain ridges, will be presented in the Section 4(f) presentation.

SMCAT Member: So, what is legally required when it comes to cultural resources?

Ben Spargo: Well, the Phoenix South Mountain Park/Preserve would qualify for a number of protections.

SMCAT Member: But there would be no legal requirement?

Ruth Greenspan: This presentation deals with Section 106. There are some protections that would be afforded to the park that would be afforded under Section 4(f), but not Section 106. This will be covered in the Section 4(f) presentation. Does that make sense?

SMCAT Member: It does. It seems that the current laws require mitigation for either the Section 106 or Section 4(f) elements. I understand; you don’t need to hold up the presentation any further for me. I think I understand what you are saying.

Mark Brodbeck: Well, some of what we are talking about relate to the TCPs. There are several Native American communities associated with the South Mountains. The TCPs in the area would be affected by the project. ADOT and the Federal Highway Administration are currently consulting with these tribes to identify their concerns. Because this is a confidential issue, I can’t really give the specifics.

SMCAT Member: ADOT and the Federal Highway Administration are consulting with the tribes related to the South Mountains?

Ruth Greenspan: As a part of this project, we are actually consulting with all the tribes in Arizona. However, with respect specifically to the South Mountains TCP, the four Southern Tribes, which include the Gila River Indian Community, the Salt River Pima-Maricopa Indian Community, the Ak-Chin Indian Community and the Tohono O’odham Nation, have deferred to the Gila River Indian Community to represent them in this issue.

SMCAT Member: Was the Hopi tribe consulted?

Ruth Greenspan: Yes.

Mark Brodbeck: I will continue with the presentation.

So what are the potential impacts after construction? The continued operation of the freeway could directly impact the availability of access to cultural resources. As a potential cumulative affect, planned growth adjacent to the proposed freeway could impact cultural resources.

If the project were not constructed, there would not be any impacts to area cultural resources. Unlike certain private sector developers, ADOT and the Federal Highway Administration are required by law to minimize impacts on cultural resources. However, many of the cities have preservation ordinances that the private sector developers must follow. The Phoenix South Mountain Park/Preserve would stay protected from development.

Ruth Greenspan: I would like to expand on what Mark said about project impacts being reduced or eliminated. The archaeological sites are tested and go through a data collection process. If we can obtain information from the site through controlled excavation, then we aren't losing any information. So the idea is that we would excavate and recover as much data as we could prior to the freeway construction.

SMCAT Member: Who would pay for this data collection?

Ruth Greenspan: Generally, it is the agencies that pay.

Mark Brodbeck: Yes, in this case it would be the Federal Highway Administration.

SMCAT Member: I got here late, who are you two?

Ruth Greenspan: My name is Ruth Greenspan. I work with ADOT's Environmental Planning Group as a Historic Preservation Specialist.

Mark Brodbeck: I am Mark Brodbeck. I am with HDR.

SMCAT Member: I have two questions. ADOT has been downplaying the importance of the South Mountains because it is undeveloped land. It is my opinion that any destruction to this undeveloped land would have great impacts. Why are ADOT and HDR downplaying this? I know that Arizona State University has been performing studies on the South Mountains and they have been taking the opposite approach. I am getting sick of you downplaying the importance of undeveloped land.

My other question I had was that it seems like you said that there are no cultural sites where the proposed freeway would be constructed. I think we talked about in general already but there are a number of sites that are extremely significant to the Gila River Indian Community.

Ruth Greenspan: Slide 20 shows the prehistoric sites that would need to be mitigated should the freeway be constructed.

SMCAT Member: That graph is confusing.

Mark Brodbeck: A couple of the archeological sites are in the South Mountains. The physical elements weren't encountered by the survey for the project. The City of Phoenix Historic Preservation Department is working on the historic designations for the South Mountains under all four criteria (A-D).

SMCAT Member: I am aware of that. I live on the South Mountains.

Mark Brodbeck: More information will be available as the city develops it. From our end, a detailed cultural survey of the entire park wasn't feasible. So, the Phoenix South Mountain Park/Preserve was evaluated as a whole.

Ruth Greenspan: I don't think we are trying to downplay the value of the park and its open space. The park is valuable on many different levels. As it relates to a prehistoric and historic site, none of those features were identified within the proposed freeway corridor. In regards to the open space, this project would only be using 32 out of the 16,000 acres of park land. The open space that makes the park so special would not be significantly reduced.

SMCAT Member: We could go around all day on this. I know people who would strongly disagree with you on your last statement.

SMCAT Member: When you mitigate an archeological site and you collect data, what kind of time limit do you have? Do you finish when all the data has been collected?

Ruth Greenspan: Before we start the data collection process, we develop a data recovery plan that poses various research questions. We try to see what questions can be answered by the particular sites. We would invite the Native American communities, the City of Phoenix and other agencies to review the plan. Once everyone is in agreement about the goals of the research, then we would make the decisions about how we would achieve those goals.

SMCAT Member: The reason I asked the question is because of the truly significant crime that occurred recently during the cultural data recovery process for the expansion of Roosevelt Lake. The process wasn't even completed before the water was released for this expansion. I think this is a big concern. So, will the same thing happen here? Will you be doing your testing then all of a sudden you have to shut your operation down prematurely so that the freeway can be constructed? How does the cultural recovery timeframe relate to the freeway construction timeframe?

Ruth Greenspan: I am not truly aware of any instances where ADOT or FHWA have stopped the cultural resource data recovery process because of a construction timeframe.

Mark Brodbeck: Yes, it is usually the opposite.

SMCAT Member: So, if the cultural data recovery was not completed, the construction would have to wait?

Mark Brodbeck: ADOT has done this with most every project in the Valley. I am not sure what the situation was in the Lake Roosevelt expansion, which wasn't an ADOT project. Should the South Mountain Freeway be built, the cultural resource component could take a year or two before it would be completed.

SMCAT Member: Wouldn't there be some cultural sites that are found during the construction process? What happens then?

Ruth Greenspan: ADOT has a programmatic agreement with the consulting parties. It spells out the procedures by which known and unknown cultural sites are investigated. If a cultural site is discovered during construction, the agreement calls for halting the construction until the appropriate data recovery process is used on the site.

SMCAT Member: So, there is that chance of coming across a site in which you weren't aware?

Ruth Greenspan: There is that chance, but it is very rare that this happens because we do our homework. Occasionally, we may find a cultural feature but rarely do we find a site. In the programmatic agreement, there is a discovery clause that says in the event a cultural site is encountered, all construction must stop immediately and ADOT's lead engineer is notified. At that point, all the appropriate people are contacted and a decision is made on how to continue.

SMCAT Member: I need clarification. You said that cultural resources were afforded protection under Section 106, correct? So, if you were lopping off 40 acres of a historic battlefield, would that require mitigation? It seems that the whole of the park is greater than the sum of its parts. Is there something else that would recognize this?

Ruth Greenspan: In your example, the 40 acres of the battlefield could be eliminated as long as the battlefield would still retain the qualities that made it important. When the City of Phoenix finishes their study on the Phoenix South Mountain Park/Preserve, there may be something that could come up like that. Our research so far indicates that there are no features of historic significance to the Park within the Study Area.

SMCAT Member: What do you hope to achieve in your negotiations with the Gila River Indian Community?

Ruth Greenspan: I would think it would be a situation where all the consulting parties are satisfied and feel that they were treated fairly.

SMCAT Member: Are you are promoting mitigation for the South Mountain TCPs?

Ruth Greenspan: We are working with the Gila River Indian Community, some of the proposed mitigation has been proposed by them.

SMCAT Member: I have two questions. I have been to Jamestown where I saw that they had designated a latrine of Benjamin Franklin as a historic element. When do you decide this was a trash site? When do you decide that something like this is historic and how much work is done? Do the same rules apply for private land as are used for public land?

Mark Brodbeck: The answer to your first question goes back to what Ruth said. There has to be a reason why we are excavating this site. What are we looking for? What type of sampling strategy would be used? That would indicate how much work is performed.

Ruth Greenspan: The federal responsibilities are the same regardless of who owns the land. Different jurisdictions may have different requirements.

SMCAT Member: I actually was more concerned about the rules that govern private property. What happens if a cultural resource is discovered on my property as a part of this project and then the project is cancelled? Now I would have to deal with the mitigation?

Mark Brodbeck: No, private landowners are entitled to do what they want with their land. Should a burial sites be discovered on you property, you are required to report that. In terms of the TCPs, this information is being held confidential. No one knows these locations except the Native American community, ADOT and the Federal Highway Administration.

Ruth Greenspan: Yes, that information would not be public.

Tom Keller: Is there anyone else who has not yet asked a question?

No response

Tom Keller: It is now 7 p.m.

SMCAT Member: Can we take our break?

Tom Keller: Yes. We will take our break now. Please be back at 7:10 p.m.

Break taken at 7:00 p.m.

Tom Keller: Please take your seats. Let's get started.

I have two important announcements. One, the cookies are in the back of the room. The other announcement is that the last couple of weeks we have had a few instances where the chairs people have been sitting on have snapped. Please keep this in mind. If you catch yourself leaning back, it may not be a good thing.

Folks, before we resume, I have a reminder. We may have a large amount of questions that people submit on the blue question cards tonight. If you are submitting questions, please prioritize them for me since I may not be able to get to all of the questions. Any questions not addressed will be added to the Parking Lot Issues Memorandum.

Ben, if you could get us started.

Ben Spargo: The second presentation tonight is on Section 4(f). Mark Hollowell is here from ADOT's Environmental Planning Group and Audrey Unger is here from HDR. They will be presenting on this issue.

Mark Hollowell: I want to thank Ruth and Mark for a very interesting and good presentation. I am here to present the background of why we study Section 4(f). Audrey will discuss the resources as they would or wouldn't be impacted in the Study Area.

You can see on the screen the list of acronyms related to Section 4(f). We will make references to each of these tonight.

Section 4(f) is a section within Title 49 of the U.S. Department of Transportation Act of 1966. Section 4(f) essentially says that the federal government can only approve a transportation project from certain categories of public and protected lands if there is no prudent and feasible alternative to using that land. The term feasible refers to the constructability of a project and whether or not it can be built using current construction methods, technologies, and practices. The term "prudent" refers to how reasonable the alternative is, in essence, whether or not it makes sense.

An example right out of one of our current environmental clearances cites the potential impact of a Section 4(f) resource on a high school in a small Arizona town. The citation is from FHWA's Code of Federal Regulations: 23 CFR sub-section 771.735(p). It reads as follows:

Given a range of options, a transportation agency must select an avoidance alternative if that alternative is both feasible and prudent. The Secretary of Transportation can only approve this type of freeway project if measures are developed during the planning phase of the project to reduce proposed impacts to a resource.

There are several properties in the Valley that have received Land and Water Conservation Fund Act monies to assist with the acquisition and development costs of outdoor recreation sites and facilities. This granting mechanism, the Land and Water Conservation Fund Act (LWCFA), is administered by the Interagency Committee for Outdoor Recreation (IAC) and the Department of the Interior National Park Service (NPS). IAC and NPS approval is necessary if there are impacts to resources utilizing LWCFA funding.

Section 6(f), also of the U.S. Department of Transportation Act of 1966, protects from permanent conversion to non-recreational uses, properties that have received LWCFA monies. If the conversion of protected land is unavoidable, Section 6(f) requires that replacement lands of equal value, location and usefulness are provided as conditions of approval for land conversion.

Section 4(f) and 6(f) are often discussed together because it is not uncommon for recreational resources to receive LWCFA funding, making Section 6(f) integral to the Section 4(f) process.

In the 1960s, the United States recognized the need for a national policy focusing on the development of transportation facilities and the protection of public parks, recreation lands, wildlife and waterfowl refuges and historic sites. Public schools may be considered Section 4(f) protected facilities if they provide walk-on public use without prior notification to the school. For example, if the school is open to play after hours, then it qualifies as a Section 4(f) protected resource that must be avoided from any action that would diminish the value of the resource—unless it were demonstrated there were no feasible and prudent alternatives available.

Federal, state and local officials have been tasked with interpretation of what constitutes a significant resource and therefore what is afforded protection under Section 4(f). For example, the State Historic Preservation Office (SHPO) addresses properties that are eligible for the National Register of Historic Places.

Both Section 4(f) and 6(f) properties are located in the Study Area. Some Section 4(f) properties would be located near the action alternatives but not impacted while others would be directly impacted by the action alternatives. Audrey will discuss these with you in just a moment. Although there are, in fact, Section 6(f) properties in the Study Area, none would be impacted by the action alternatives and thus, the topic of 6(f) will not be addressed further tonight except as perhaps a general or casual reference.

Audrey Unger will now continue our discussions on 4(f) properties.

Audrey Unger: Thank you, Mark.

SMCAT Member: So what is considered a walk-on public use of a school? What if the school has the grounds locked but they are available for the public if they get permission to use the facility with advance notice?

Audrey Unger: That is a very good question. I will tackle it in my presentation. If I don't answer your question, please let me know.

There are two types of impacts: direct and indirect. Direct impacts are the conversion of protected properties to a transportation use. An example of a direct impact would be the conversion of a portion of South Mountain Park into a transportation corridor. Indirect impacts are proximity impacts that substantially impair attributes qualifying a resource for protection under Section 4(f). These could include increased noise levels, changes to important viewsheds and obstruction of access. It is important to understand that indirect impacts only result in an indirect use, also called a constructive use, of a protected property if they substantially impair the attributes qualifying the resource for protection under Section 4(f). There are no constructive uses of Section 4(f) properties in the study area; however, to illustrate the concept of an indirect use, I would like to provide a hypothetical example. An example of an indirect use would be if there was an amphitheater next to the proposed freeway. If the noise level from the freeway substantially increased noise levels so much that audiences couldn't hear the events in the amphitheater then this would mean that the freeway caused the amphitheater to no longer function as originally intended. This would be a substantial impact resulting in a direct use.

The other thing to understand is that, according to the law, once there is a direct use of a Section 4(f) property, there is no requirement to analyze the indirect impacts to the rest of the property. This doesn't mean that we wouldn't be required under the National Environmental Policy Act to do so, just not under Section 4(f). For instance, in the Draft Environmental Impact Statement, under NEPA, there is a discussion about noise impacts on adjacent lands in the Noise and Land Use sections and a discussion of impacts to viewsheds in the Visual Resources section.

Let's talk about the 4(f) resources in the study area, how we categorize them as Section 4(f), or not, and what the potential impacts would be. Existing and planned trails whose sole or primary purpose is recreation are Section 4(f) resources. All eligible trails in the South Mountain study area are part of the Maricopa County Regional Trails System. Slide 34 shows the Maricopa County Regional Trails System. None of these trails would be impacted by the proposed freeway because the freeway would be designed to avoid the trail, where possible, or to span the trail. Regardless of whether a trail is determined to be Section 4(f) or not, it is the FHWA policy to maintain the connectivity of recreational trails wherever possible.

Outdoor recreational amenities associated with public schools may be considered Section 4(f) resources. We have several Section 4(f) schools on the western side of the study area and none currently on the east side. That said, Section 4(f) eligibility of Kyrene schools is

ongoing pending new information from the school district. Even if we end up reclassifying the schools recreational areas as Section 4(f), there will be no direct or indirect use of any of the schools near the E1 alignment, so the treatment of these schools will not change regardless of whether or not they are classified as Section 4(f).

To qualify for Section 4(f) protection, recreational areas must be available for walk-on public use. This means that there is no need to notify the school to use their outdoor recreational areas after school hours. The presence of a fence usually is a sign that a school does not allow walk-on public use, but we check with the school district to confirm which schools allow this. It is important to understand that it is not the school buildings or the fact that it is a school at all that is considered under Section 4(f)—it is just the outdoor recreational component that is looked at.

As was mentioned in the cultural resources presentation, cultural resources eligible for the National Register of Historic Places under criteria A, B, and C are considered Section 4(f) resources. The SHPO and other consulting parties are consulted on all cultural resources eligibilities and that information determines what will be proposed as Cultural Section 4(f). Unlike recreational areas, cultural resources can be privately held and receive Section 4(f) consideration. Slide 37 shows that there are no cultural resources qualifying for Section 4(f) in the western section, but of course, the Phoenix South Mountain Park/Preserve and the Traditional Cultural Property in the east section would be impacted by the E1 Alternative.

Existing and planned parks are also considered Section 4(f) resources if they are publicly owned and their primary purpose is recreation. Section 4(f) parks are shown on slide 38. An example of a park that is not publicly owned is one that is owned by a home owners association.

In some cases publicly owned parks or parts of publicly owned parks may not be considered Section 4(f) resources if the park or portion of the park has a primary purpose that is not recreational. An example would be Estrella District Park, which on this map is the Southwest (Estrella) City Services. The city services complex includes a fire and police, and city offices [which are not 4(f)] and a 100-acre park. Part of the park includes a retention basin whose primary purpose is obviously collect run-off, so this part of the park would not be considered Section 4(f).

Of course in the Eastern Section, you have the Phoenix South Mountain Preserve/Park, which has tremendous value as a Section 4(f) property—significant publicly owned park, as a historic property and as a traditional cultural property. Under Section 4(f), even the smallest portion of a protected resource that is taken must be taken into consideration. Even if 1 acre of the SMPP is taken, ADOT is obligated to avoid the resource to the extent possible. If there is no prudent and feasible way of avoiding the park, then ADOT is tasked with minimizing harm to the Section 4(f) resource as much as possible.

Through an iterative process, the proposed freeway alignments in the western section, including the W55 Alternative, were adjusted to avoid direct use of Section 4(f) properties. Some Section 4(f) resources remain close to the proposed alternatives and while there are indirect impacts, they would be minor, would not impair the use, and thus would not constitute a constructive use.

In the eastern section, the E1, if constructed, would result in direct and indirect impacts to Section 4(f) resources.

You can see on slide 40, which Section 4(f) properties were avoided by adjusting the proposed alignments. In the case of South Mountain Park/Preserve, the alignment was shifted to minimize the amount of land that would need to be acquired for the freeway. In 1988, the estimated amount of Phoenix South Mountain Park/Preserve land that would be needed was about 40 acres. After the alignments were adjusted, the current amount of land needed is closer to 32 acres—8.5 acres less than proposed in 1988.

Are there any questions?

SMCAT Member: On slide 40, it looks like the E1 Alternative has been shifted completely out of the Phoenix South Mountain Park/Preserve. In the past, we have been shown this alignment shifted more to east. The materials you are showing us don't seem to match.

Ben Spargo: To the best of my knowledge, the E1 Alignment that is shown here is the same one that is on the original. Much of the acreage from the park that was saved was near 51st Avenue. But in general, the alignment hasn't changed as you go through the park.

SMCAT Member: No, it has changed based on my own documentation. It has moved to the east. We even had a discussion of this in a past SMCAT meeting. It was mentioned that this would have to be discussed with the City of Phoenix. You told us that yourself.

Ben Spargo: The legal documents we have let you review show the 200-foot utility easement that is in our records. That is almost the exact horizontal alignment of the proposed roadway.

Tom Keller: Did you want to follow up on this?

Ben Spargo: We didn't try to manipulate where this alignment was going.

Tom Keller: We will verify this for you.

SMCAT Member: Okay.

Audrey Unger: Implementation of the E1 Alternative would directly and indirectly affect Section 4(f) resources. ADOT would need to acquire portions of Phoenix South Mountain Park/Preserve. The freeway would be constructed to span the Sun Circle/Maricopa Trail in the park to limit disturbance. The freeway would be constructed through a portion of the South Mountains TCP and would affect access to other portions of the TCP.

If the freeway were constructed, post-construction impacts would include: increased traffic-related noise levels on adjacent land, changes to the visual settings of properties from the presence of freeway, and changes in access to certain properties. An example would be the Sachs-Webster Farmhouse. If the W101 Alternative had been selected as the preferred, it would obstruct the Baseline Road Access, but in consultation with the landowner it was agreed that ADOT would construct an alternate access to the farmhouse a little further west. Because there would be new access, access to the property overall would not be substantially impaired and the modified access would not constitute a constructive use.

If the freeway were not constructed, there would be no project-specific impacts. But, that doesn't mean that Section 4(f) properties wouldn't be impacted by the Valley's continued growth and subsequent urban development. Unlike FHWA and ADOT, certain private sector developers are generally not required by law to minimize impacts to Section 4(f) properties.

Examples of how the impacts can be reduced or eliminated include: designing the freeway to avoid or minimize direct impacts, constructing barriers to reduce noise levels, reduce visual impacts by blending the freeway with the surrounding environment (e.g. clustering plant materials in an informal pattern to break up the hard line of the freeway, using earthen colors on light poles and overpasses to help them blend better with the surrounding environment, and adding vegetation buffers to screen views of the freeway and the sound walls).

ADOT could also provide freeway underpasses or culverts that could be used for pedestrians, equestrians, wildlife, and so forth. ADOT could provide areas for parking and access to trailheads, acquire additional lands to replace those used for the freeway and continue coordination with Native American communities to minimize impacts to features within South Mountains TCPs.

SMCAT Member: Since you ended your presentation on mitigation, do you have a picture or rendering of a 200-foot vertical cut through a mountain ridge?

Audrey Unger: I believe that issue was discussed in the visual resources presentation so I don't have anything handy tonight.

Ben Spargo: The presentation shows examples of slope cuts along State Route 51. I don't think the cuts in the South Mountains will be an easy thing to do. On State Route 87, ADOT has stained the rocks to downplay the slope cuts.

Tom Keller: I believe there were a few slides showing this a couple of meetings ago.

SMCAT Member: So, it is your determination that none of the schools in the E1 Alternative are Section 4(f)?

Audrey Unger: In the Eastern Section?

SMCAT Member: Yes.

Audrey Unger: We recently received information from the Kyrene School District so we are in the process of updating this information.

SMCAT Member: On slide 43 you state that stopping this freeway project would not prevent a loss of Section 4(f) properties due to urban development. I don't think that private developers would build a road through Phoenix South Mountain Park/Preserve.

SMCAT Member: I am glad to hear that you are reexamining the Section 4(f) schools. On slide 35, I don't see Desert Vista High School listed.

SMCAT Member: Kudos to ADOT on what they have done with the highway that leads to Payson. They actually put fake slurry in and obviously had their outdoor artists going to town. And now the boulders won't fall on your head.

We have a representative on the SMCAT from the Kyrene School District. But yet, the schools in the E1 Alternative aren't shown on your maps as Section 4(f) properties.

Also, when you talk about mitigation, I am hoping that you use shorter light poles. Near the Scottsdale Airpark, these poles are very short. As soon as you pass, they shoot up to 200 feet. I am sure they had to be approved so that they function well.

Mark Hollowell: The shorter poles are used due to the proximity to the airport.

SMCAT Member: I know that but why can't they be used as a part of this potential project?

Mike Bruder: The shorter light poles are not as efficient as they really should be. In a project, such as the South Mountain Freeway, if shorter light poles were used, there would need to be a lot more poles than if the standard height was used.

Ben Spargo: I think this was addressed in the visual resources topic. ADOT would make an effort to restrict light from going into those areas that currently don't have light. The proposed freeway lighting would also be directed away from residential areas.

SMCAT Member: I was thinking about the people that have their houses on the mountain that currently look into the darkness at night. Should this freeway be constructed, they will then be looking at a neon ribbon of lights. I just wonder why you can't think outside the box to find a better alternative.

Ben Spargo: Limiting light pollution would be part of the mitigation strategy.

SMCAT Member: I would like more explanation about the oversight about not including schools along Pecos Road in your Section 4(f) presentation.

Audrey Unger: Basically, it comes down to the public walk-on availability. This depends on how the school district wants to portray their schools. If there are "no trespassing" signs on school grounds then that's a strong indication the school doesn't have full walk-on availability.

SMCAT Member: What about the freeway noise that would impact the learning development of the students at these schools adjacent to the freeway?

Ben Spargo: This would be addressed in the noise mitigation.

Amy Edwards: For clarification purposes, what we showed you tonight are the Section 4(f) schools. We know that there are many other schools out there.

SMCAT Member: Several meetings ago, I asked what ADOT was doing regarding a chunk on land on the 51st Avenue alignment, which is private land. We have been discussing this off and on and I was told that we would be going into details at this meeting. It is obvious that this has been bypassed. Is ADOT going to be acquiring this land for the Phoenix South Mountain Park/Preserve?

Ben Spargo: That would be one of the strategies.

Audrey Unger: Measures to minimize harm must be agreed upon by the landowner, in this case the City of Phoenix, and ADOT that would need to be agreed upon by the landowner/City of Phoenix, and ADOT. ADOT would work closely with the city on finding replacement lands of equitable value. A representative from the city would need to be here to discuss that issue.

SMCAT Member: I have sat at this table for over a year and nothing has seemed to be happening. In fact, nothing is still happening. The interpretation on what qualifies as a Section 4(f) property near the South Mountains is subjective.

Typically, lawsuits will add years to the construction timeframe. ADOT says this project needs to be on the fast track. Why would ADOT want to select an alignment that is sure to incur many lawsuits?

Ben Spargo: As we have discussed in previous meetings, there really is no reasonable or prudent option of not going through the South Mountains since we can not consider any options on Gila River Indian Community land.

SMCAT Member: Well, there is another alternative. Don't construct the freeway.

Ben Spargo: Yes, we are looking at the No Action Alternative as well.

Tom Keller: Are there any other questions by someone who hasn't asked a question for this topic?

No response

Tom Keller: Well, let's move on to the final agenda item. We want to begin to prepare for the future air quality meetings.

SMCAT Member: It is my understanding that in order for ADOT to acquire any portion of the South Mountains, it would require a public vote.

Audrey Unger: In 1985, the city adopted provisions that prevented a roadway from going through preserve land without having a public vote on the matter. This provision was ratified by the state legislature; however, it stated that a vote would not be necessary for any planned roadway that was in the state transportation plan on or prior to August 15, 1990.

SMCAT Member: Well, the legislation is different between the state and the city. The state exempts this corridor from the South Mountains. The city legislation states that any part of a mountain preserve land would need to go to a public vote.

Audrey Unger: The way I understand it, the precise location of this proposed freeway is not the under the purview of the legislature, but rather the state transportation board. The legislature simply allowed the creation of a freeway through the preserve if it was in the state highway plan prior to the date I mentioned.

Tom Keller: Okay. Thank you. Now back to the air quality discussion. We have mentioned the last couple of months that we are considering having two air quality panel discussions. One meeting would be prior and the other post public release of the Draft Environmental Impact Statement. Does everyone remember that discussion? Fred and I took the liberty of putting a few slides together. The slides will guide the decision making about the specifics related to both of these meetings. What do you think?

No response

Right now, the time is 7:55 p.m. We have a significant amount of time left to have this discussion and then answer some public questions.

SMCAT Member: There is already an air quality summary on the study Web site. Couldn't we begin with what has already been published?

Amy Edwards: The air quality analysis has changed over time. There as been additional analysis, such as with mobile source air toxins. The summary on the Web site would only give you an understanding about what was presented at that time.

SMCAT Member: The copy I am familiar is dated February 2006. So you are saying that this would be out of date?

Amy Edwards: Yes, there has been additional analysis since then.

SMCAT Member: I would be interested in learning about the affects on health at schools located near freeways. Perhaps we could get someone to attend one of these meetings that has done this research.

Fred Erickson: Do you have anyone in mind?

SMCAT Member: I don't have any names with me tonight, but I can provide them to you later.

SMCAT Member: I would like to see what the human impact is on air quality and how it affects things such as the animals in the Phoenix South Mountain Park/Preserve. I want to make sure that ADOT and HDR have done all their research. I would like to see someone on the panel who is an expert on the air quality impacts to the land itself?

Tom Keller: Does anyone else know of anyone?

SMCAT Member: I think someone from Arizona State University should be a part of the panel.

SMCAT Member: I would like to see someone on the panel who is familiar with the NEPA process.

SMCAT Member: Ahwatukee is in a unique location. Should the freeway be built, the prevailing south wind would push the freeway exhaust into the residential areas on the South Mountains. Is there someone who can address that issue? Is that a specific or general issue?

Amy Edwards: I think what we need to capture here tonight is what your interests are and if you know someone who would want to participate on the air quality panel.

SMCAT Member: I don't know of anyone.

SMCAT Member: I have heard two of our committee members express an interest to hear more about the science and why it is important. I suggest we bring in one to three air quality experts, people who are familiar with the air quality in regards to freeways in general and have specifics about the status of air quality in the Valley.

SMCAT Member: I have heard that there is an issue with air quality modeling and that the Valley hasn't been meeting the federal standards. I would like to hear more about this. Has it been demonstrated that we would be close to what the model shows after the South Mountain Freeway would be in place?

Ben Spargo: I think we can find someone who has the background and the technology and we can look at people who have experience with other projects for pre- and post-construction type research.

SMCAT Member: The area topography creates its own air quality issues especially in regards to temperature inversion. I think we should have an air quality panel member who is a meteorologist who knows information about topography and how it affects weather cycles.

SMCAT Member: The layout of the freeway alignment would cross through a 24-hour sand and gravel operation. I have heard that the mitigation for this would be state-of-the-art street scrubbers. I do not see this as a good solution. Does the Department of Environmental Quality put regulations on these projects so that the restrictions will not be placed on private companies?

Tom Keller: How would this be addressed?

Amy Edwards: So the issue is with construction dust?

SMCAT Member: No, the freeway running through a sand and gravel operation.

Amy Edwards: You mean the issue of dust abatement?

SMCAT Member: With the freeway next to a sand and gravel operation, there will be a constant movement of air from the traffic. This will cause more dust to be in the air. I don't think that street scrubbers would be a proper mitigation technique. However, I don't think that restrictions should be placed on the private company.

Tom Keller: So, you want someone on the air quality panel who could address this?

SMCAT Member: The freeway would be right next to the river bottom. I think the air pollution would go right into the bottom and sit.

SMCAT Member: I think you should get someone on the panel from the Arizona State University College of Sustainability. I am not that familiar with them but I think ADOT has connections with that college.

Also, the text on slide 49 mentions that Maricopa County will be a part of the panel. Is this so they can give us information or is it so they can be grilled about past information they have given us.

Tom Keller: They would be part of the air quality panel that is post-public release of the Draft Environmental Impact Statement.

SMCAT Member: Can we ask them why they did what they did?

Ben Spargo: The purpose is to discuss what has been reported in the Draft Environmental Impact Statement.

SMCAT Member: That's fine. I was just not sure what the intent was.

Tom Keller: A reminder that tonight is just for brainstorming.

SMCAT Member: I have some suggestions for the meeting scheduled after the release of the Draft EIS. The panel should include representatives from the Arizona Department of Environmental Quality and Maricopa County Air Quality. The ADEQ has modelers who would be very useful in helping to explain the modeling process that was done. Maricopa County has a lot of existing data that they could bring, including information about the Valley's air quality rules and regulations.

Tom Keller: Do you have specific names?

SMCAT Member: I do. I have already initiated contact.

SMCAT Member: I would like to get a current update as far as today's air quality status in the Valley and the level of compliance.

Ben Spargo: Air quality for the region?

SMCAT Member: Yes, for the region and for any localized monitors that would be close to the Study Area.

Tom Keller: Would this include people from the agencies just mentioned?

SMCAT Member: Yes.

SMCAT Member: It would be helpful if they could also discuss the new ozone standards for the Valley.

Tom Keller: This is good. Would it be appropriate for Fred or me to put these thoughts together and then feed it back to you? In the meantime, we would do some research on the resources that were mentioned.

Affirmative response

Tom Keller: As always, you can forward any more thoughts on this subject through e-mail. I suggest that we block out some time on the next agenda to spend on this. Is this reasonable?

Affirmative response

SMCAT Member: Do you know any more information about when the Draft EIS will be released?

Mike Bruder: The timeframe is still up in the air.

Tom Keller: We will now take public questions. I have a number of them here already. If we don't get to all of them, the remainder will be answered in the Parking Lot Issues Memorandum. Are you all ready?

No response

Public Written Question: The original ADOT rights of way over South Mountain Park were grandfathered. But the original 1985 scope was much smaller. How has ADOT answered this change in scope and essential violation of the original right-of-way?

Mike Bruder: ADOT doesn't own any right-of-way in the proposed South Mountain Freeway corridor within the park. ADOT owns a few bits and pieces in other locations along the corridor outside of the park.

Public Question: But the purchase of land was based on the original scope. Now the scope has changed.

Mike Bruder: From the 1985 proposed alignment, ADOT has reduced the amount of acres of right-of-way needed in the park from 40 to 32 acres thus lessening the impact.

SMCAT Member: I think he is speaking about the freeway alignment in general.

Public Question: In the scope, the impact would be significant.

Audrey Unger: The intent of the legislation was the idea of putting a roadway through a public park that had already been planned—South Mountain Freeway. It excluded other freeways not being considered at that time.

Public Question: I understand the intent of the legislation. Your response didn't answer my question.

Public Written Question: If the proposed highway, South Mountain Freeway (Loop 202), was built, would Ahwatukee's air quality be the same, get worse or improve?

Amy Edwards: That topic will be discussed when we have the SMCAT meetings on air quality.

Public Written Question: If living near a major highway, such as the proposed South Mountain (Loop 202), adversely affects air quality, does it then shorten the human lifespan and, if so, how much shorter is one's lifespan? Would one of the ADOT and HDR Engineering personnel be able to bring in outside experts to comment on this and explain how poor air quality affects the body?

Mike Bruder: That will be one of the items that the air quality panel will discuss at the SMCAT meetings on air quality.

SMCAT Member: A few years ago, I believe Brigham Young University did a study on air quality with the conclusion that a person living in high air pollution levels can lose 1 percent of their lifespan.

Public Written Question: You stated that if during the construction of a highway, historic artifacts are found, construction stops. Who makes the decision to stop the construction? Is there actually an employee that looks for these artifacts as the ground breaking equipment moves soil? Is it considered a crime to disturb known Native American tribe's artifacts during highway construction?

Ruth Greenspan: In the construction contract, should cultural resources be encountered during construction, the contractor is obligated to stop the construction activity and notify the ADOT lead engineer and historic preservation team. At that time, a professional judgment would be made about how to continue.

Mark Brodbeck: Depending on the construction activity, there is usually an archeological monitor that is present at the construction site.

Ruth Greenspan: If we knew that construction was taking place near known cultural resource sites, the archaeological monitor would be present at that location.

Mark Brodbeck: We wouldn't be excavating every square inch of the site where construction could encounter cultural resources. We don't have those resources.

Public Question: Isn't that a crime?

Ruth Greenspan: That may depend on the jurisdiction of the land.

Mark Brodbeck: The answer to that question is no, as long as the proper compliance process is followed.

Public Written Question: Since State Route 801 will connect to the proposed South Mountain Freeway from CANAMEX thus allowing Canadian and Mexican trucks a direct path into Phoenix, will the air quality report for the EIS include the emissions from the trucks of the other countries mentioned? I bring this up because the other nations mentioned do not have the air quality standards for their trucks as we do in the United States.

Mike Bruder: The proposed South Mountain Freeway and proposed State Route 801 would not be part of the CANAMEX Corridor.

Tom Keller: Are there any final questions?

SMCAT Member: Awhile back we extended offers to other organizations for them to have representatives join the SMCAT. I don't know why we would allow someone to join the SMCAT now when we are so late in this process.

Tom Keller: The SMCAT agreed that there should be a limit on membership of 30 people. The current membership now stands at 27 people.

SMCAT Member: The member that I think should be allowed to join is from an organization that the SMCAT had earlier extended an offer. Would this need to be voted on or can the person just show up?

Tom Keller: I believe the SMCAT will need to decide this matter.

SMCAT Member: Does anyone oppose this addition to the SMCAT? The organization is located near Pecos Road from Central to 17th avenues.

SMCAT Member: Which organization?

SMCAT Member: The organization is Club West. This organization is definitely going to be affected by the South Mountain Freeway.

SMCAT Member: Since they are part of the original list, I don't have a problem with adding the representative from Club West, just as long as the representative gets him or herself up to speed on their own time and doesn't ask questions on topics we have already covered.

SMCAT Member: So, do we need to make a motion?

Tom Keller: Please wait one minute. Fred is checking the operating agreement.

Fred Erickson: The operating agreement states that the SMCAT will determine if new or replacement organizations should be included in the membership. I would say that requires a vote.

SMCAT Member: Membership was offered to them before. Now, someone wants to participate.

SMCAT Member: I think we should shore up our current membership list before we bring new members in to the SMCAT.

SMCAT Member: Club West is the largest homeowners association in the Study Area. They have the highest number of homes that would be directly affected.

SMCAT Member: I would say that they had their chance earlier when the offer was extended to them.

SMCAT Member: I wouldn't say that.

SMCAT Member: Why are they all of a sudden interested after we have been meeting for two years? I don't think the whole group should have to backtrack for them.

SMCAT Member: I don't see that happening. They won't be driving the schedule.

SMCAT Member: They will most likely be asking questions that have already been asked.

SMCAT Member: At this point in the meeting is the only time our group deviates from the topics.

SMCAT Member: It seems to me that any organization that would be directly affected by the proposed alignment should be invited to participate. I make a motion that we invite them to participate.

SMCAT Member: I second the motion.

SMCAT Member: I think you should state the name of the organization in question who you would like to add.

SMCAT Member: I make a motion that we invite the Foothills Club West Homeowners Association to be a part of the SMCAT.

SMCAT Member: I second the motion.

SMCAT Member: Do you know if they already have a representative?

SMCAT Member: Yes. They have someone here with an interest in participating.

SMCAT Member: Do you know if this person would be representing the entire homeowners association?

Tom Keller: The SMCAT operating agreement requires that all representatives inform their respective groups about the information that is given to them and discussed in these meetings.

SMCAT Member: So we are bringing someone in who is showing up at the last minute and, although we have been here for two years, they can vote on the freeway recommendation just like the rest of us?

SMCAT Member: I took the place of the person before me and it took me awhile to get up to speed on the project information. This organization had their opportunity. Are we going to constantly look for new SMCAT members or is this a one time deal?

SMCAT Member: I don't think that would be a bad thing to add more SMCAT members. I think the more opinions we have, the better.

SMCAT Member: I think adding this member is no different than what we have with the members who have low meeting attendance.

SMCAT Member: I think this would be a different situation if the organization that we were considering adding was new to the list. They were one of the groups that we considered adding awhile back.

Tom Keller: There is a motion and a second on the floor.

SMCAT Member: Is there something in the operating agreement about the final vote for the recommendation and whether a person has attended at least 65 percent of the meetings?

Tom Keller: No.

There is a motion and a second on the floor. Can I see a show of hands for all those in favor?

Majority of hands were raised

Tom Keller: We have 11 members in support and 5 against. The motion carries. We will take care of the invitation and the follow up.

SMCAT Member: I think we should also get the representatives to show up who have low attendance. I don't want them not attending these meetings and then showing up when we take the vote for the freeway recommendation.

Tom Keller: Any other questions?

No response

SMCAT Member: I make a motion that we adjourn.

Tom Keller: Is there a second?

SMCAT Member: I second the motion.

Tom Keller: All in favor?

Majority of hands were raised

Tom Keller: The next SMCAT meeting is scheduled for September 25. Thank you for your attendance.

The meeting is adjourned.

Meeting ended at 8:36 p.m.

Thirteen blue comment/question cards submitted by the public were unable to be asked during the meeting due to time restrictions. The information contained on the cards is as follows:

Please post in the Parking Lot Issues Memorandum the name of the ADOT person who handles the right-of-way acquisition.

The HDR speakers stated that 32.5 acres from South Mountain Park would be used to construct the proposed South Mountain Freeway. Does this include drainage, lighting, right-of-way fencing or anything else that is needed to construct the proposed highway? If it does not include what was just mentioned, how many actual acres will be taken from the park?

Who signs off on allowing ADOT to remove the acreage from South Mountain Park to build the proposed South Mountain Freeway (Loop 202)? Will this property be taken by state authorities or does the City of Phoenix have to release it?

Will this highway cross the path of the Salt River? If it does, will the highway impede the flow of the Salt River, if it is allowed to flow again?

How were historic artifacts identified being in the path of the South Mountain Freeway (Loop 202)? Was any type of detection system used that would look at this type of mass located underground? This is essentially a device similar to a metal detector.

ADOT and HDR have identified one village site and five habitation sites. What would have been the population of these projected/estimated populations?

When a past village or inhabited site (historical) is identified, how is it determined that mitigation is required? Who makes the decision if an archaeological dig will happen to study and capture and artifacts? Will any of the Native American local tribes have a say if a dig is required?

You state that local Native American tribes were consulted concerning the archaeological finds. Does this mean that they are included in the decision making process of preserving the finds? If so, how does this decision-making process work?

Were most, if not all, archaeological finds discussed tonight simply located by viewing the surface of the projected path of the South Mountain Freeway (Loop 202)? If not, what other means were used to locate the artifacts?

With regard to the public school recreational facilities, there are several schools adjacent to the proposed E1 Alignment that are not on the recreational facility map. Why? This refers to not only the Kyrene School District, but also the Tempe Union School District.

Various air quality studies have or are being performed, especially as it relates to schools and learning. The Sierra Club sued U.S. DOT over Interstate 95 in Las Vegas. There has been similar litigation in Albuquerque, New Mexico. Why has an independent study not been done in this area like has been done in Nevada by the Desert Research Institute?

How does a 200-foot superstructure become mitigated so as not to alter the mountain?

Where is the City of Phoenix representative regarding the park and what is their position. Have they been invited to these meetings?